



# House of Representatives

## File No. 909

General Assembly

January Session, 2007

**(Reprint of File No. 327)**

Substitute House Bill No. 6955  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
June 1, 2007

### **AN ACT CONCERNING OPERATOR'S LICENSES BEARING A SCHOOL BUS ENDORSEMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-44 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) (1) No person shall operate a commercial motor vehicle used for  
4 passenger transportation on any public highway of this state until [he]  
5 such person has obtained a commercial driver's license with a  
6 passenger endorsement from the commissioner, except a nonresident  
7 who holds such license with such endorsement issued by another state.  
8 (2) No person shall operate a school bus until [he] such person has  
9 obtained a commercial driver's license with a school bus endorsement,  
10 except that a person who holds such a license without such  
11 endorsements may operate a school bus without passengers for the  
12 purpose of road testing or moving the vehicle. (3) No person shall  
13 operate a taxicab, motor vehicle in livery service, motor bus or service  
14 bus until such person has obtained an operator's license bearing an  
15 endorsement of the appropriate type from the commissioner issued in

16 accordance with the provisions of this section and section 14-36a. (4)  
17 No person shall operate a student transportation vehicle, as defined in  
18 section 14-212 [,] or activity vehicle [, camp vehicle, taxicab, motor  
19 vehicle in livery service, motor bus or service bus] until [he] such  
20 person has obtained an operator's license bearing an endorsement of  
21 the appropriate type from the commissioner issued in accordance with  
22 the provisions of this section and section 14-36a.

23 (b) No operator's license bearing an endorsement shall be issued or  
24 renewed in accordance with the provisions of this section or section 14-  
25 36a, until the commissioner, or [his] the commissioner's authorized  
26 representative, is satisfied that the applicant is a proper person to  
27 receive such an operator's license bearing an endorsement, holds a  
28 valid motor vehicle operator's license, or, if necessary for the class of  
29 vehicle operated, a commercial driver's license and is at least eighteen  
30 years of age. Each applicant for [such a permit,] an operator's license  
31 bearing an endorsement or the renewal of such a license shall furnish  
32 the commissioner, or [his] the commissioner's authorized  
33 representative, with satisfactory evidence, [which may be required to  
34 be] under oath, to prove that [he has] such person: Has no criminal  
35 record, [that he] has not been convicted of a violation of subsection (a)  
36 of section 14-227a within five years of the date of application and that  
37 no reason exists for a refusal to grant or renew such an operator's  
38 license bearing an endorsement. Each applicant for such an operator's  
39 license bearing an endorsement shall submit with [his] the application  
40 proof satisfactory to the commissioner that [he] such applicant has  
41 passed a physical examination [which has been taken within]  
42 administered not more than ninety days prior to [his] the date of  
43 application, and which is in compliance with safety regulations  
44 established from time to time by the United States Department of  
45 Transportation. Each applicant for renewal of such license shall  
46 present evidence that such applicant is in compliance with the medical  
47 qualifications established in 49 CFR 391, as amended. Each applicant  
48 for such an operator's license bearing an endorsement shall be  
49 fingerprinted before the license bearing an endorsement is issued.

50 (c) The commissioner may issue, withhold, renew, suspend, cancel  
51 or revoke [.] any endorsement required to operate a motor vehicle that  
52 transports passengers, as provided in subsection (c) of section 14-36a.  
53 The commissioner may, in making his decision, consider the age,  
54 accident and criminal record, moral character and physical condition  
55 of any such applicant or endorsement holder and such other matters as  
56 the commissioner may determine. The commissioner may require any  
57 such applicant or endorsement holder to furnish the statements of two  
58 or more reputable citizens, which may be required to be under oath,  
59 vouching for the good character or other qualifications of the applicant  
60 or endorsement holder.

61 (d) Upon the arrest of any person who holds an operator's license  
62 bearing a school endorsement charged with a felony or violation of  
63 section 53a-73a, the arresting officer or department, within forty-eight  
64 hours, shall cause a report of such arrest to be made to the  
65 commissioner. The report shall be made on a form approved by the  
66 commissioner containing such information as the commissioner  
67 prescribes. The commissioner may adopt regulations, in accordance  
68 with chapter 54, to implement the provisions of this subsection.

69 (e) Prior to issuing an operator's license bearing a school  
70 endorsement or bearing the appropriate type of endorsement for  
71 operation of a student transportation vehicle pursuant to subdivision  
72 (4) of subsection (a) of this section, the commissioner shall require each  
73 applicant to submit to state and national criminal history records  
74 checks, and a check of the state child abuse registry established  
75 pursuant to section 17a-101k for perpetrator information. The criminal  
76 history records checks required pursuant to this subsection shall be  
77 conducted in accordance with section 29-17a. If notice of a state or  
78 national criminal history record or notification that the applicant is  
79 listed as a perpetrator of abuse on the state child abuse registry  
80 established pursuant to section 17a-101k is received, the commissioner  
81 may, subject to the provisions of section 46a-80, refuse to issue an  
82 operator's license bearing such an endorsement and, in such case, shall  
83 immediately notify the applicant, in writing, of such refusal. [Subject to

84 the provisions of section 46a-80, if notice of a national criminal history  
85 record is received, the commissioner may withdraw the operator's  
86 license bearing a school endorsement immediately and, in such case,  
87 shall immediately notify the holder of such license and the holders'  
88 employer, in writing, of such withdrawal.] The commissioner shall not  
89 issue a temporary operator's license bearing a school endorsement or  
90 bearing the appropriate type of endorsement for operation of a student  
91 transportation vehicle.

92 (f) Notwithstanding any other provision of this section, the  
93 commissioner shall not issue an operator's license bearing an  
94 endorsement to transport passengers who are students, and shall  
95 suspend any such endorsement that has been issued, to any person  
96 who has been convicted of a serious criminal offense, as determined by  
97 the commissioner, or convicted of any provision of federal law or the  
98 law of any other state, the violation of which involves conduct that is  
99 substantially similar to a violation determined by the commissioner to  
100 be a serious criminal offense, if any part of the sentence of such  
101 conviction has not been completed, or has been completed during the  
102 preceding five years. The commissioner shall adopt regulations, in  
103 accordance with chapter 54, to implement the provisions of this  
104 subsection.

105 ~~[(f)]~~ (g) Any applicant who is refused an operator's license bearing  
106 an endorsement or the renewal of such a license, or whose operator's  
107 license bearing an endorsement or the renewal of such a license is  
108 withdrawn or revoked on account of a criminal record, shall be  
109 entitled to a hearing if requested in writing within twenty days. The  
110 hearing shall be conducted in accordance with the requirements of  
111 chapter 54 and the applicant may appeal from the final decision  
112 rendered therein in accordance with section 4-183.

113 ~~[(g)]~~ (h) Notwithstanding the provisions of section 14-10, the  
114 commissioner [may] shall furnish to any board of education or to any  
115 public or private organization that is actively engaged in providing  
116 public transportation, including the transportation of school children, a

117 report containing the names and motor vehicle operator license  
118 numbers of each person who has been issued an operator's license with  
119 one or more endorsements, authorizing such person to transport  
120 passengers in accordance with the provisions of section 14-36a, but  
121 whose license or any such endorsement has been withdrawn,  
122 suspended or revoked by the commissioner in accordance with the  
123 provisions of this section, or any other provision of this title. The  
124 report shall be issued and updated periodically in accordance with a  
125 schedule to be established by the commissioner. Such report may be  
126 transmitted or otherwise made available to authorized recipients by  
127 electronic means.

128 [(h)] (i) Violation of any provision of this section shall be an  
129 infraction.

130 Sec. 2. Subsection (d) of section 14-276a of the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective July*  
132 *1, 2007*):

133 (d) A carrier shall require each person whom it intends to employ to  
134 operate a school bus, as defined in section 14-275, as amended by this  
135 act, or a student transportation vehicle, as defined in section 14-212, to  
136 submit to a urinalysis drug test in accordance with the provisions of  
137 sections 31-51v and 31-51w and shall require each person it employs to  
138 operate such vehicles to submit to a urinalysis drug test on a random  
139 basis in accordance with the provisions of section 31-51x, as amended  
140 by this act. No carrier may employ any person who has received a  
141 positive test result for such test which was confirmed as provided in  
142 subdivisions (2) and (3) of section 31-51u. No carrier may continue to  
143 employ as a driver, for two years, any person who has received a  
144 positive test result for such test which was confirmed as provided in  
145 subdivisions (2) and (3) of subsection (a) of section 31-51u. No carrier  
146 may continue to employ as a driver, permanently, any person who has  
147 received a second positive test result for such test which was  
148 confirmed as provided in subdivisions (2) and (3) of subsection (a) of  
149 section 31-51u. The commissioner may, after notice and hearing,

150 impose a civil penalty of not more than one thousand dollars for the  
151 first offense and two thousand five hundred dollars for each  
152 subsequent offense on any carrier which violates any provision of this  
153 subsection.

154 Sec. 3. Section 14-276 of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective July 1, 2007*):

156 (a) Registered school buses while transporting school children shall  
157 be operated by holders of a valid passenger and school endorsement  
158 issued in accordance with section 14-44. Such endorsement shall be  
159 held in addition to the commercial driver's license required for the  
160 operation of such motor vehicles. A person who has attained the age of  
161 seventy shall be allowed to hold a passenger and school endorsement  
162 for the purpose of operating a school bus, provided he meets the  
163 minimum physical requirements set by the Commissioner of Motor  
164 Vehicles and agrees to submit to a physical examination at least twice a  
165 year or when requested to do so by the superintendent of the school  
166 system in which he intends to operate a school bus. Any person to  
167 whom a town has awarded a contract for the transportation of school  
168 children who permits the operation of a registered school bus while  
169 transporting school children by any person who does not hold a  
170 passenger and school endorsement shall be fined not less than [thirty-  
171 five] two thousand five hundred dollars nor more than [ninety] five  
172 thousand dollars.

173 [(b) Violation of the provisions of this section shall be an infraction.]

174 (b) Not less than twice per month, a carrier shall review the report  
175 made by the Commissioner of Motor Vehicles, in accordance with the  
176 provisions of subsection (h) of section 14-44, as amended by this act,  
177 with reference to the name and motor vehicle operator's license  
178 number of each person such carrier employs to operate a school bus, as  
179 defined in section 14-275, as amended by this act, or a student  
180 transportation vehicle, as defined in section 14-212. If, according to  
181 such report, any such employee's motor vehicle operator's license or

182 endorsement to operate a school bus or student transportation vehicle  
183 has been withdrawn, suspended or revoked, such carrier shall prohibit  
184 such employee from operating a school bus or student transportation  
185 vehicle.

186 (c) Any carrier who fails to review the report made by the  
187 commissioner, pursuant to subsection (b) of this section, shall be  
188 subject to a civil penalty of one thousand dollars for the first violation,  
189 and two thousand five hundred dollars for each subsequent violation.  
190 Any carrier who fails to remove as an operator, pursuant to subsection  
191 (b) of this section, not later than ten days after reviewing such report,  
192 any employee whose motor vehicle operator's license or endorsement  
193 to operate a school bus or student transportation vehicle has been  
194 withdrawn, suspended or revoked, shall be subject to a civil penalty of  
195 two thousand five hundred dollars for the first violation, and five  
196 thousand dollars for each subsequent violation. Upon appropriate  
197 justification presented to the commissioner by any carrier, the  
198 commissioner may make a determination to reduce any such penalty.

199 Sec. 4. Subsection (b) of section 31-51x of the general statutes is  
200 repealed and the following is substituted in lieu thereof (*Effective July*  
201 *1, 2007*):

202 (b) Notwithstanding the provisions of subsection (a) of this section,  
203 an employer may require an employee to submit to a urinalysis drug  
204 test on a random basis if (1) such test is authorized under federal law,  
205 (2) the employee serves in an occupation which has been designated as  
206 a high-risk or safety-sensitive occupation pursuant to regulations  
207 adopted by the Labor Commissioner pursuant to chapter 54, or is  
208 employed to operate a school bus, as defined in section 14-275, as  
209 amended by this act, or a student transportation vehicle, as defined in  
210 section 14-212, or (3) the urinalysis is conducted as part of an employee  
211 assistance program sponsored or authorized by the employer in which  
212 the employee voluntarily participates.

213 Sec. 5. Subsection (c) of section 14-261b of the general statutes is

214 repealed and the following is substituted in lieu thereof (*Effective July*  
215 *1, 2007*):

216 (c) Any employer who fails to comply with the provisions of this  
217 section shall be subject to a civil penalty of [three hundred] one  
218 thousand dollars which shall be imposed by the Commissioner of  
219 Motor Vehicles after notice and opportunity for a hearing pursuant to  
220 the provisions of chapter 54. The commissioner shall impose a civil  
221 penalty of [one thousand] two thousand five hundred dollars for any  
222 subsequent failure to comply by such employer.

223 Sec. 6. Subsection (b) of section 14-275 of the general statutes is  
224 repealed and the following is substituted in lieu thereof (*Effective*  
225 *October 1, 2007*):

226 (b) Each school bus shall be painted a uniform yellow color known  
227 as "National School Bus Glossy Yellow", except for the fenders and  
228 trim which may be painted black and the roof which may be painted  
229 white, and shall have conspicuously painted on the rear and on the  
230 front thereof, in black lettering of a size to be determined by the  
231 Commissioner of Motor Vehicles, the words "School Bus-Stop on  
232 Signal", except that each school bus equipped with an eight-light  
233 warning system shall have the words "School Bus" painted on the rear  
234 and on the front thereof in such lettering. The sides of such vehicles  
235 may be inscribed with the words "School Bus", the school name or such  
236 other legend or device as may be necessary for purposes of  
237 identification or safety. Each school bus shall have conspicuously  
238 painted on the rear and sides of such vehicles, in black lettering of a  
239 size to be determined by the commissioner, the name of the school bus  
240 company, the school bus company's telephone number and the school  
241 bus number.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	14-44
Sec. 2	<i>July 1, 2007</i>	14-276a(d)



Sec. 3	<i>July 1, 2007</i>	14-276
Sec. 4	<i>July 1, 2007</i>	31-51x(b)
Sec. 5	<i>July 1, 2007</i>	14-261b(c)
Sec. 6	<i>October 1, 2007</i>	14-275(b)

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Motor Vehicles	TF - Cost	70,000	20,000
Criminal Justice Agencies	GF - Cost	Minimal	Minimal
Judicial Dept.	All Funds - Revenue Impact	Minimal	Minimal
Children & Families, Dept.	GF - Cost	See Below	See Below
Education, Dept.	GF - Cost	See Below	See Below

Note: TF=Transportation Fund; GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
Local and Regional School Districts	STATE MANDATE - Cost	See Below	See Below

### **Explanation**

Section 1 of the bill requires the Department of Motor Vehicles (DMV) to perform additional background checks on new applicants or renewals for various licenses and endorsements against the state child abuse registry before issuing such license or endorsement. There is a one-time cost of \$50,000 occurring in FY 08 for computer programming changes in addition to an ongoing cost of \$20,000 per year for information technology charges.

Approximately 6,000 persons would have to obtain a child abuse registry check conducted by the Department of Children and Families in FY 08. This number would increase to about 8,000 in FY 09 given full year implementation. The agency's Hotline would require a half-time Social Worker position to conduct the checks. An FY 08 cost of \$40,900 would be associated with this position and associated other expenses (\$32,350 DCF; \$8,550 fringe benefits). In FY 09 the

annualized cost for the additional position would be approximately \$63,100, (\$43,150 DCF; \$19,950 fringe benefits)

It should be noted that the above analysis assumes that registry checks would only be required of new and renewal applicants for endorsement. Should a more comprehensive check of all license endorsement holders be undertaken, the DCF would incur additional first year costs of approximately \$150,000 for data processing consultant services needed to modify its computer interface with DMV. Additionally, expenses would be incurred for three Social Worker positions on a durational basis in the first year, at a cost of approximately \$267,250 (\$198,850 DCF; \$68,400 fringe benefits).

Section 2 of the bill was struck by House "A".

Sections 3 and 5 of the bill are not anticipated to result in any fiscal impact to the DMV.

Section 4, as amended, requires that carriers check twice monthly its licensed employees against a report prepared by the DMV to see whether any of its employees license has been suspended. Currently, carriers are able to check on-line electronically the status of their drivers at the DMV. Data is updated every two weeks. This section formalizes current practice and has no fiscal impact.

Section 4, as amended, increases the financial penalty that may be imposed on any carrier who fails to carry out the required check on drivers' licensure status. Current law makes this an infraction, punishable by a fine of \$35, which is rarely imposed. The bill eliminates this infraction, which would have a negligible fiscal impact. Instead the bill establishes civil penalties of \$1,000 for the first offense and \$2,500 for each subsequent offense that may be imposed. It is unclear how this fine would be enforced and, as a consequence, the potential revenue gain cannot be determined at this time.

Any revenue gain from civil penalties imposed under provisions of the bill would be minimal.

Section 501 results in a cost to local and regional school districts and subsequently to the state through the school transportation reimbursement grant by requiring additional black lettering on school buses. The cost is estimated to be minimal in the scope of school transportation costs.

House "A" strikes language in Section 4 of the bill and eliminated the one-time cost of \$500,000 to the Department of Motor Vehicle associated with implementation of provisions in file copy #327. It requires carriers to check twice monthly its licensed employees against a report prepared by the DMV to see whether any of its employees license has been suspended.

In addition, House "A" strikes Sections 2 and 6 and makes technical changes to the bill.

House "B" requires additional black lettering on school buses, and results in the fiscal impact stated above.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 6955 (as amended by House “A” and “B”)\******AN ACT CONCERNING OPERATOR'S LICENSES BEARING A SCHOOL BUS ENDORSEMENT.*****SUMMARY:**

This bill imposes additional background check requirements on applicants for licenses and endorsements to drive school buses and school transportation vehicles (STVs), including a check of the state child abuse registry. It requires the Department of Motor Vehicles (DMV) commissioner to deny a license or suspend an endorsement for transporting students for anyone convicted of a serious criminal offense, if the person has not completed his or her sentence or completed it within the past five years.

The bill (1) requires, rather than allows, the DMV commissioner to periodically notify public transportation providers, including school districts, of anyone whose commercial driver's license or passenger endorsement the commissioner has suspended, withdrawn, or revoked and (2) requires each carrier to check these reports at least twice per month and, within 10 days after the review, remove from driving any of its school bus or STV drivers who are not properly licensed. By law, school districts that employ their own school bus and STV drivers are considered carriers.

The bill extends required random drug testing to those employed to drive STVs that carry 10 or fewer students and bars carriers from continuing to employ as a driver any school bus or STV driver who tests positive for drugs. The bar must run for two years after a first positive test and become permanent after a second such test.

The bill increases penalties on (1) carriers who fail to implement required drug testing for school bus and STV drivers and applicants and (2) school transportation contractors who allow anyone not properly licensed to drive a school bus carrying school children. It imposes fines on carriers who fail to carry out the required checks of drivers' licensure status or fail to remove an operator who is not properly licensed.

The bill also bars the DMV commissioner from issuing temporary licenses with school bus or STV endorsements, eliminates special license endorsements for camp vehicle drivers, and makes minor and technical changes.

Finally, the bill requires that a school bus company's name and phone number and the bus number be conspicuously painted in black lettering on the rear and sides of each school bus. It requires the DMV commissioner to determine the size of the lettering.

\*House Amendment "A" (1) adds the provision concerning student transportation license denial or endorsement suspension for conviction of a serious criminal offense, (2) revises requirements for carriers' periodic checks on drivers' license status, (3) makes drug testing penalties consistent and imposes and increases those and other penalties, (4) bans an employee with a positive drug test only from driving and not all employment with a carrier, (5) limits the driving ban to two years after a first positive test and makes the ban permanent only after a second positive test, and (6) makes other minor and technical changes.

\*House Amendment "B" adds the requirement to paint the school bus company's name and phone number and the school bus number on each school bus.

EFFECTIVE DATE: July 1, 2007, except for the bus painting requirement, which is effective October 1, 2007.

## **DRIVER BACKGROUND CHECKS**

Before the DMV commissioner may issue a license with a school bus or STV endorsement, the bill requires him to check each applicant against the state child abuse registry maintained by the Department of Children and Families (DCF). The registry lists individuals the DCF commissioner finds are responsible for child abuse or neglect. Under the bill, the DMV commissioner can refuse endorsements to applicants listed as perpetrators of abuse and immediately notify the applicant, in writing, of the refusal.

The bill also subjects applicants for STV endorsements to the same state and national criminal history records checks as already apply to applicants for school bus driver endorsements. As is the case for school bus endorsement applicants, the bill allows the DMV commissioner to refuse to issue an STV endorsement when he receives notice that the applicant has a state or national criminal history record.

By law, a “student transportation vehicle” is any vehicle, other than a registered school bus that a carrier uses to transport students under age 21, including special education students. A “carrier” is a school district, a school district’s contractor, or any other person compensated for transporting students. Carriers also include corporations, institutions, and nonprofit organizations that provide transportation as an ancillary service primarily to people under age 18.

### **DENYING LICENSURE OR CONTINUED ENDORSEMENT FOR SERIOUS CRIMINAL CONVICTIONS**

The bill requires the DMV commissioner to deny licensure or suspend an endorsement issued for transporting students to anyone convicted of a criminal offense the commissioner determines is serious, or an offense under any federal or other state’s law the commissioner determines is substantially similar, if any part of the sentence for the conviction is either not completed or was completed in the past five years. It requires the commissioner to adopt regulations to implement this provision.

### **PERIODIC LICENSE AND ENDORSEMENT STATUS CHECKS**

The bill requires, rather than allows, the commissioner to give boards of education and other public and private organizations actively engaged in providing public transportation a report containing the names and license numbers of anyone whose license or endorsement he or she has withdrawn, suspended, or revoked. The commissioner must periodically update the report, according to a schedule the commissioner establishes, and can transmit or make the report available electronically.

The bill requires each carrier to (1) review the commissioner's report at least twice a month to check whether any of its school bus and STV drivers' names and license numbers is listed and (2) bar from driving a school bus or STV any employee whose license or endorsement to operate such vehicles is listed as having been withdrawn, suspended, or revoked.

## **DRUG TESTING**

Current state law requires carriers to conduct pre-employment urinalysis drug tests of all school bus and STV drivers they intend to employ. Federal and state laws also require carriers to conduct random drug and alcohol testing of their employees who drive school buses designed to seat more than 10 passengers. This bill subjects all school bus and STV drivers to random drug testing, thus extending testing to those who drive STVs designed to carry 10 or fewer passengers. Under current law and this bill, drug testing must comply with existing state laws governing employment and pre-employment drug testing.

The bill bars a carrier from continuing to employ as a driver someone who tests positive for drugs. The ban applies for two years after the first positive test and becomes permanent after a second such test. Under current state and federal law, a driver with a positive drug test result must be removed from safety-sensitive duty, but there is currently no set period during which such a driver is barred from driving. By law, before such a driver can return to duty, he or she must be evaluated, comply with recommended rehabilitation, and



have a negative result on a return-to-duty test (CGS § 14-261b and 49 USC § 31306).

## **PENALTIES**

### ***Drug Testing Violations***

The bill increases, from \$1,000 to \$2,500, the civil penalty against carriers who, for a second or subsequent time, (1) fail to conduct pre-employment and random post-employment drug testing of school bus and STV drivers they employ or intend to employ or (2) hire applicants or continue to employ as drivers employees who test positive for drugs. It does not change the penalty for a first offense, which remains \$1,000. The bill makes penalties consistent by also increasing penalties in another statute (CGS § 14-261b(c)) that subjects to civil penalties a carrier who fails to comply with federal and state drug testing requirements for current employees. It increases penalties under that law from \$300 to \$1,000 for a first offense and from \$1,000 to \$2,500 for subsequent offenses.

### ***Failure to Review License Status Reports and Remove Listed Drivers Within 10 Days***

The bill imposes civil fines on carriers who fail to review the DMV commissioner's periodic reports of drivers whose licenses have been suspended, withdrawn, or revoked or who fail, within 10 days after the review, to bar those listed in the report from driving a school bus or STV. The fine for failure to review the report is \$1,000 for a first, and \$2,500 for subsequent, violation. The fine for failure to remove a driver listed in a report within 10 days is \$2,500 for a first, and \$5,000 for a subsequent, violation. The bill allows the DMV commissioner to reduce these penalties when a carrier presents appropriate justification.

### ***Using a Driver Who is Not Properly Licensed***

The bill increases the penalty against a town's school transportation contractor who permits anyone without a passenger and school endorsement to drive a school bus that is carrying school children. The current fine is from \$35 to \$90. The bill increases it to between

\$2,500 and \$5,000. It also eliminates the offense's designation as an infraction (see BACKGROUND).

## **BACKGROUND**

### ***Infractions***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime; thus violators do not have criminal records and can pay the fine by mail without making a court appearance.

### ***Camp Vehicle***

A camp vehicle is a motor vehicle regularly used to transport passengers under age 18 in connection with the activities of any youth camp requiring licensure by the Department of Public Health.

## **COMMITTEE ACTION**

### Education Committee

Joint Favorable Substitute

Yea 30 Nay 1 (03/19/2007)

### Transportation Committee

Joint Favorable

Yea 31 Nay 0 (04/18/2007)

### Appropriations Committee

Joint Favorable

Yea 44 Nay 0 (04/30/2007)

## Judiciary Committee

Joint Favorable

Yea 27      Nay 1      (05/04/2007)